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January 16, 2002

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room: TW-A325  
Washington, DC 20554

Re: **Ex Parte Meeting**  
*Establishment of Rules and Policies for the Satellite Digital Audio Radio  
Service in the 2310-2360 MHz Band, IB Docket No. 95-91*

Dear Ms. Salas:

On January 15, 2002, William Wiltshire of Harris, Wiltshire & Grannis (representing AT&T Wireless), Karen Possner of BellSouth, Robert Koppel of WorldCom, and the undersigned met with Bruce Franca, Julius Knapp, Bruce Romano, Bob Eckert, and Ron Chase of the Office of Engineering & Technology to discuss the Commission's pending Notice of Proposed Rulemaking on SDARS terrestrial repeaters.

In this meeting, we discussed recent filings made by the "WCS Coalition" (which includes AT&T Wireless, BeamReach Networks, BellSouth, Metricom, Verizon Wireless, WorldCom, and WCAI) in the above captioned proceeding. Specifically, we discussed the significant interference that the operation of SDARS terrestrial repeaters above 2 kW will have on the operations of WCS and the inadequacy of the proposals made by the SDARS licensees to resolve this interference.

The compensation methodology proposed by the SDARS licensees will not resolve the interference caused by operation of high-power SDARS repeaters, because (1) it excludes CPE, (2) it excludes any costs other than the costs of filters, (3) it limits the compensation to an extremely short period of time – that would generally expire before WCS begins to be widely deployed, and (4) would cap total compensation at only \$1,000,000 for all WCS licensees – a small fraction of the costs imposed on WCS licensees by this interference.

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Moreover, the Commission's focus should not be on the level of compensation afforded to licensees who receive harmful interference. It should be on establishing appropriate technical rules that will ensure all licensees can operate without harmful interference. The WCS Coalition has recommended the adoption of a "sunset proposal" that would satisfy this objective. Under this proposal, the SDARS licensees could continue to operate high-power repeaters, but would be required to transition to 2 kW, which is the standard power level for the band.

Please include a copy of this ex parte presentation in the record for the above captioned proceeding. If you have any questions, you may call me on (202) 589-3785.

Respectfully submitted,

Donald C. Brittingham

cc: Bruce Franca  
Julius Knapp  
Bruce Romano  
Bob Eckert  
Ron Chase